

Regular Council Meeting
MONDAY, March 15, 2021
7:00 p.m. – Caucus/ Meeting to immediately follow
REMOTE ZOOM
****COVID-19 procedures in effect****
Live via Facebook@http://Facebook.com/lackawannany

Attention Residents:

The Remote Zoom format will remain in effect as long as it is authorized by Executive Order from the Governor, and until such time as the City Council resolution authorizing same is rescinded.

Meeting called to order/Pledge of Allegiance.

NB: Meeting being recorded.

Roll Call: Council: Ingram, Szymanski, Moretti, Surdyke, Marrano
Dept. Heads: Law, Comptroller, Recreation, Public Safety, Development,
Public Works, Public Information

Hearings from Citizens:

Approval of Minutes: of the regular meeting of March 1, 2021.

Moved by Marrano seconded by Ingram to adopt minutes of the regular meeting of March 1, 2021 as written.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Departmental Reports:

1. **City Comptroller** – A/P Check Listing #30, dated February 25, 2021.
2. **City Comptroller** – A/P Check Listing #31, dated March 4, 2021.
3. **City Comptroller** – Cash Reconciliation, Revenue report and Statement of Condition of Appropriations as of December 31, 2020.
4. **City Comptroller** - Cash Reconciliation, Revenue report and Statement of Condition of Appropriations as of January 31, 2021.
5. **City Clerk** - Monthly Revenue Report for February, 2021.
6. **City Treasurer** – Total receipts deposited into the General Fund Account for February, 2021.

Moved by Marrano seconded by Surdyke to receive and file Departmental Reports one through six.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Communications from the Council:

Requests Update on Proposed Dog Park.

7. To: Honorable Council President
Honorable Members of the City Council
Public Information Officer

Re: Requesting Dog Park Update

Mr. Council President, fellow Council Members, and Public Information Officer;

I am gently requesting an update on the proposed dog park that was proposed a few years ago. As you are all aware, \$50,000 in funding was secured by the County Executive through Community Development Block Grant (CDBG) money. The original plan was to utilize the playground on East Milnor. Do we still have the funds or was it reclaimed by the County?

With 2020 in our rear view mirror, is there still interest in creating a dog park?

All the best,

HON. GEOFFREY SZYMANSKI, 2ND WARD COUNCILMAN

Moved by Szymanski seconded by Marrano to receive and file.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Ordinance for Reimbursement of Grant Writing Services.

8. To: Honorable Frederic J. Marrano
Honorable Members of the City Council
714 Ridge Road
Lackawanna, New York 14218

Dear Council Members:

Please approve the attached ordinance to account for funds receivable from FEMA for the reimbursement of Grant Writing Services for the preparation and submission of the FEMA AFG Grant.

If you have any questions please free to contact me.

Sincerely,

CAROLYN A. NICOMETO, CITY COMPTROLLER

Moved by Marrano seconded by Moretti to receive and file, act on ordinance.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

ORDINANCE

AN ORDINANCE AMENDING THE 2020-2021 BUDGET ORDINANCE ADOPTED JUNE 9, 2020.

BE IT ENACTED by the City Council of Lackawanna, New York as follows:

SECTION 1. That the 2020-2021 Budget Ordinance adopted June 9, 2020 is hereby amended to create and fund account code A.3140.0469 Fire Department Consultant fees and increase FEMA Reimbursement Revenue.

SECTION 2. That the 2020-2021 Budget Ordinance is hereby amended to create account code A.3140.0469 Fire Department – Consultant Fees.

SECTION 3. That the 2020-2021 Budget Ordinance is hereby amended to increase account A.3140.0469 Fire Department – Consultant Fees by \$1,500.00.

SECTION 4. That the 2020-2021 Budget Ordinance is hereby amended to add \$1,500.00 to budget code A.000.4960 FEMA Reimbursement.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: March 15, 2021
Lackawanna, New York

Moved by Marrano seconded by Moretti to adopt ordinance as written.
Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Ordinance to Increase Funding for Medical Fee Expense.

9. To: Honorable Frederic J. Marrano
Honorable Members of the City Council
714 Ridge Road
Lackawanna, New York 14218

Dear Council Members:

Please approve the attached ordinance to increase the funding for medical fee expense. The shortage was a direct result of the new policy to perform physicals for part-time employees, new hires to replace employees who unexpectedly retired, and newly created positions not initially budgeted for.

If you have any questions please free to contact me.

Sincerely,

CAROLYN A. NICOMETO, CITY COMPTROLLER

Moved by Marrano seconded by Ingram to receive and file, act on ordinance.
Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

ORDINANCE

**AN ORDINANCE AMENDING THE 2020-2021 BUDGET ORDINANCE ADOPTED
JUNE 9, 2020.**

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

- SECTION 1.** That the 2020-2021 Budget Ordinance adopted June 9, 2020 is hereby amended to increase budget line A.1430.0451 Personnel – Medical Fees.
- SECTION 2.** That the 2020-2021 Budget Ordinance is hereby amended to increase account A.1430.0451 Personnel Medical Fees by \$1,500.00.
- SECTION 3.** That the 2020-21 Budget Ordinance is hereby amended to appropriate \$1,500.00 from Fund Balance.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: March 15, 2021
Lackawanna, New York

Moved by Marrano seconded by Moretti to adopt ordinance as written.
Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Ordinance to Increase the Postage Expense.

10. To: Honorable Frederic J. Marrano

Honorable Members of the City Council
714 Ridge Road
Lackawanna, New York 14218

Dear Council Members:

Please approve the attached ordinance to increase the funding for postage expense. The shortage was a direct result of excess mailings due to COVID-19 which were not initially budgeted. Also, the additional funds will be needed to cover the cost of any additional mailings that may be necessary due to the Lackawanna Front Page, the City's official news paper, no longer being published.

If you have any questions please free to contact me.

Sincerely,

CAROLYN A. NICOMETO, CITY COMPTROLLER

Moved by Marrano seconded by Ingram to receive and file, act on ordinance.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

ORDINANCE

AN ORDINANCE AMENDING THE 2020-2021 BUDGET ORDINANCE ADOPTED JUNE 9, 2020.

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

- SECTION 1.** That the 2020-2021 Budget Ordinance adopted June 9, 2020 is hereby amended to increase budget line A.1900.1915 Special Items - Postage.
- SECTION 2.** That the 2020-2021 Budget Ordinance is hereby amended to increase account A.1900.1915 Special Items – Postage by \$6,500.00.
- SECTION 3.** That the 2020-21 Budget Ordinance is hereby amended to appropriate \$6,500.00 from Fund Balance.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: March 15, 2021

Lackawanna, New York

Moved by Marrano seconded by Surdyke to adopt ordinance as written.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Ordinance to Increase Funding for Overtime for the Garbage and Refuse Fund.

11. To: Honorable Frederic J. Marrano
Honorable Members of the City Council
714 Ridge Road
Lackawanna, New York 14218

Dear Council Members:

Please approve the attached ordinance to increase the funding for overtime for the Garbage and Refuse Fund. The shortage was a result of employees' use of sick, personal and vacation time in which left

vacancy's to fill by the Street Laborers. The funds used will be from the Garbage and Refuse Fund – Fund Balance.

If you have any questions please free to contact me.

Sincerely,

CAROLYN A. NICOMETO, CITY COMPTROLLER

Moved by Marrano seconded by Moretti to receive and file, act on ordinance.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

ORDINANCE

AN ORDINANCE AMENDING THE 2020-2021 BUDGET ORDINANCE ADOPTED JUNE 9, 2020.

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. That the 2020-2021 Budget Ordinance adopted June 9, 2020 is hereby amended to increase appropriations for Garbage and Refuse – Personal Services Overtime.

SECTION 2. That the 2020-2021 Budget Ordinance is hereby amended to increase \$15,000.00 to budget code CL.8160.101 Garbage and Refuse – Personal Services Overtime.

SECTION 3. That the 2020-2021 Budget Ordinance is hereby amended to decrease \$15,000.00 Appropriated Fund Balance – Special Revenue Fund.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: March 15, 2021

Lackawanna, New York

Moved by Marrano seconded by Moretti to adopt ordinance as written.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Ordinance to Increase Funding for Fuel, Oil and Lubricants for the Garbage and Refuse Fund.

12. To: Honorable Frederic J. Marrano
Honorable Members of the City Council
714 Ridge Road
Lackawanna, New York 14218

Dear Council Members:

Please approve the attached ordinance to increase the funding for fuel, oil and lubricants for the Garbage and Refuse Fund. The shortage was due to not sufficient funding of the line during the budget process. Also additional funds will be needed in anticipation of rising fuel costs.

If you have any questions please free to contact me.

Sincerely,

CAROLYN A. NICOMETO, CITY COMPTROLLER

Moved by Marrano seconded by Ingram to receive and file, act on ordinance.
Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

ORDINANCE

**AN ORDINANCE AMENDING THE 2020-2021 BUDGET ORDINANCE ADOPTED
JUNE 9, 2020.**

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

- SECTION 1.** That the 2020-2021 Budget Ordinance adopted June 9, 2020 is hereby amended to increase appropriations for Garbage and Refuse – Fuel, Oil Lubricants.
- SECTION 2.** That the 2020-2021 Budget Ordinance is hereby amended to increase \$15,000.00 to budget code CL.8160.0415 Garbage and Refuse – Fuel, Oil, Lubricants.
- SECTION 3.** That the 2020-2021 Budget Ordinance is hereby amended to decrease \$15,000.00 Appropriated Fund Balance – Special Revenue Fund CL.0000.5990.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

**Dated: March 15, 2021
Lackawanna, New York**

Moved by Marrano seconded by Moretti to adopt ordinance as written.
Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Ordinance to Increase Funding for the Purchase of Garbage Totes.

13. To: Honorable Frederic J. Marrano
Honorable Members of the City Council
714 Ridge Road
Lackawanna, New York 14218

Dear Council Members:

Please approve the attached ordinance to increase the funding for the purchase of garbage totes. The City Council approved the purchase at the November 16, 2020 meeting.

If you have any questions please free to contact me.

Sincerely,

CAROLYN A. NICOMETO, CITY COMPTROLLER

Moved by Marrano seconded by Surdyke to receive and file, act on ordinance.
Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

ORDINANCE

**AN ORDINANCE AMENDING THE 2020-2021 BUDGET ORDINANCE ADOPTED
JUNE 9, 2020.**

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. That the 2020-2021 Budget Ordinance adopted June 9, 2020 is hereby amended to increase appropriations for Garbage and Refuse – Garbage Totes.

SECTION 2. That the 2020-2021 Budget Ordinance is hereby amended to increase \$6,049.00 to budget code CL.8160.202 Garbage and Refuse – Garbage Totes.

SECTION 3. That the 2020-2021 Budget Ordinance is hereby amended to decrease \$6,049.00 Appropriated Fund Balance – Special Revenue Fund.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

**Dated: March 15, 2021
Lackawanna, New York**

Moved by Marrano seconded by Surdyke to adopt ordinance as written.
Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Discussion Regarding Easement Request from National Grid.

14. To: Lackawanna City Council
714 Ridge Road
Lackawanna, New York 14218

Re: Willet Road Easement Request

Hon. City Council:

Attached is an easement request from National Grid. I would like to discuss this with the council and possible action.

Very truly yours,

RICHARD S. JUDA, JR., CITY ATTORNEY

Moved by Marrano seconded by Szymanski to receive and file, refer to Law Department, Development and Assessor for review and action at a future meeting.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Contract Between the City of Lackawanna and Connie Miner And Co. Grant Consultants.

15. To: Jeffrey DePasquale, City Clerk
714 Ridge Road
Lackawanna, New York 142018

Re: Contract between City of Lackawanna and Connie Miner & Co. Grant Consultants

Dear Mr. DePasquale:

Please put the attached contract on the agenda for council approval.

Very truly yours,

RICHARD S. JUDA, JR., CITY ATTORNEY

A copy of this information may be obtained by contacting the City Clerk's office.

Moved by Marrano seconded by Moretti to approve request.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval to Award Lawn Mowing/Landscaping Bid to Snow Plow Doctor.

16. To: Honorable Council President
Honorable City Council Members
714 Ridge Road
Lackawanna, NY 14218

Dear City Council,

I request your honorable body award the 2021 Lawn Cutting and Landscaping Bids as follows:

1 st Ward:	\$385.00	Company: Snow Plow Doctor
2 nd Ward:	\$390.00	Company: Snow Plow Doctor
3 rd Ward:	\$330.00	Company: Snow Plow Doctor
4 th Ward:	\$485.00	Company: Snow Plow Doctor

Bids to be opened on Monday, March 15, 2021 at 11:30 a.m.

Thank you for your time and consideration.

Respectfully,

BRIAN LAKSO, DIRECTOR OF PARKS AND RECREATION

Moved by Marrano seconded by Szymanski to approve request based on recommendation of Director of Recreation and previous work performance.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval to Rescind Resolution #2021-4 Designating the Front Page as the City's Official Newspaper and Designating Buffalo Business First as the City's Official Newspaper.

17. To: Honorable Council President
Honorable City Council Members
714 Ridge Road
Lackawanna, NY 14218

Dear City Council:

In light of the information received from the Public Information Officer Charles Clark (attached), I am requesting your honorable body rescind resolution #2021-4, which designates the Front Page as our official newspaper. Furthermore, I am requesting you approve the attached resolution designating Buffalo Business First as our official newspaper for the remainder of 2021.

I ask for an opinion of the City Attorney prior to any action. Please refer to Charles Clark with any additional questions. Thank you for your time and anticipated cooperation.

Respectfully,

JEFFREY P. DEPASQUALE, CITY CLERK

Moved by Marrano seconded by Surdyke to rescind resolution #4-2021, effective immediately.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

RESOLUTION NO. 11, 2021

Whereas, Chapter 2, Section 2.9 of the City of the City of Lackawanna by resolution, designates a newspaper having general circulation and published within the City to serve as the "Official Newspaper" of the City.

Now therefore be it resolved, that Buffalo Business First Newspaper, 465 Main Street, Buffalo, New York 14203, is hereby designated as the official newspaper of the City of Lackawanna for the remainder of 2021.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

**Dated: March 15, 2021
Lackawanna, New York**

Moved by Marrano seconded by Surdyke to adopt resolution as written.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Resolution Approving Adoption of Proposed Negative Declaration, Part 3 SEQRA.

18. To: Common Council of the City of Lackawanna

Re: Transfer of 2 Steelawanna

The City of Lackawanna has received an offer to purchase 2 North Steelawanna from Metro Contracting Environmental.

The parcel of land is approximately 8.37 acres in size. It was historically railroad sideage formerly utilized by the Hanna Furnace Corporation, and was subsequently utilized by a composting company.

The elevated railroad tracks surround the property, and the surrounding properties severely limit access to the property.

The site has been on the City Web page and available property posted by the City Assessor's Office, and was on listing of available properties published previously.

We have had no other offers.

We do submit the price is reasonable taking into account the past heavy industrial use of the site, sales of other properties and the limited access to the site.

The proposed use does include material recycling, and will also include some rock crushing.

Establishment of the use will be subject to Site Plan Approval by the Planning Board.

The request is to consider adoption of the Negative Declaration and authorize the Mayor to execute the attached proposed Sales Agreement.

Sincerely,

MICHAEL GRIFA, CITY ASSESSOR

A copy of this information may be obtained by contacting the City Clerk's office.

Moved by Marrano seconded by Ingram to receive and file, act on resolution.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

RESOLUTION NO. 12, 2021

Resolution Authorizing Sale of 2 North Steelawanna

WHEREAS, pursuant to Chapter 12 of the City of Lackawanna's Charter and Code the City Assessor has maintained, and published on the City of Lackawanna's web site, a list of property available for sale; and

WHEREAS 2 North Steelawanna is an approximately 8.37 acre parcel of former industrial property that has lain fallow for over 10 years which has been maintained as available for purchase for a number of years; and

WHEREAS said parcel has limited accessibility due to it being surrounded by elevated railroad beds; and

WHEREAS said parcel was formerly used for the storage and transport of materials related to the former Hanna Furnace steel manufacturing facility, which was abandoned decades ago.

WHEREAS the Office of the Assessor has negotiated a proposed sale of the property to 2 Steelawanna Ave LLC, an entity related to demolition contractor Metro Contracting & Environmental, Inc., for a price of Ninety Three Thousand Five Hundred (\$93,500.00) for use as a “Contractor’s Yard” to support its operations; and

WHEREAS the Code Enforcement Officer has determined that said proposed use is consistent with Industrial zoning of the property.

WHEREAS the Applicant has prepared an Environmental Assessment Form Part 1, covering the sale, which has now been submitted to us together with Environmental Assessment Form Part 2 and 3 prepared by the Office of Development, together with proposed Negative Declaration; and

WHEREAS the action is an unclassified action for which an uncoordinated review is permissible and is being undertaken; and

WHEREAS prior to the establishment of any new use of the Site said actions will have to be reviewed by the Planning and Development Board which will then have to conduct their own SEQRA review; and

It is now

DETERMINED that:

1. The proposed sale of the land for productive industrial reuse is consistent with the duly adopted master plans of the City including the City’s Comprehensive Plan, and the City’s Brownfield Opportunity Plan; and
2. The use of an uncoordinated review of the sale of the land and the reuse of the site after a final site plan is prepared and reviewed is no less protective of the environment than a coordinated review; and

RESOLVED that this governing body hereby approves adoption of the proposed Negative Declaration, and execution of the Part 3 SEQRA Determination of Significance prepared by the Office of Development, and

RESOLVED that the Mayor of the City of Lackawanna is authorized to execute all documents necessary to sell 2 N Steelawanna Avenue for \$93,000 to 2 Steelawanna Ave LLC.

Dated: March 15, 2021
Lackawanna, New York

Moved by Marrano seconded by Ingram to adopt resolutions as written, with end agreement inclusive of hours of operation, Fire Department access and not the current term remaining.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval to Close Church Street on March 27, 2021 for Spring Fest Celebration.

19. To: Jeffrey DePasquale

Good Afternoon.

I'm requesting that Church St. be Blocked off to car traffic on Saturday March 27, 2021 from 12 noon to 4 PM to allow children to safely participate in a Spring Fest adjacent to Second Baptist Church.

The event will take place from 1 to 3 PM, however time is needed to safely set up and breakdown.

Appropriate safety measures will be taken, social distancing in place and LMHA notified.

Thank you for your cooperation and feel free to call me if you have any questions.

KIMBERLY SMITH

Moved by Szymanski seconded by Marrano to approve request.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Entertainment Licenses:

Winfield's Pub, 1213 Ridge Road – Class I (Live Music and/ or Mechanical Reproduction).

Steel City Pub, 1449 Abbott Road – Class I (Live Music and/ or Mechanical Reproduction).

Moved by Marrano seconded by Szymanski to approve Class I Entertainment Licenses.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Tabled Items:

Old Business:

Adjournment:

Moved by Marrano seconded by Szymanski to adjourn meeting in memory of J. C. Connolly. We extend our deepest sympathies to his family.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Frederic J. Marrano-Council President

Jeffrey P. DePasquale - City Clerk

Any items to be placed on the agenda must be received by the City Clerk's Office by noon on the Wednesday before the scheduled meeting to be considered. Any public comments normally in person at the meeting during "Hearing from Citizens" MUST be related to topics already on the agenda and received by the City Clerk's Office no later than noon on the scheduled day of the meeting. Comments are accepted via US Mail Service, Fax @ 716-827-6453 or email at cityclerk@lackny.com.

www.lackawannany.gov

